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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,010	09/30/2003	Jian Hui Yang	20341-73107	4847

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EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,010	Applicant(s) YANG ET AL.	
	Examiner Sarah C. Burnham	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-10 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 22-25 is/are allowed.
- 6) ☒ Claim(s) 5,8-10 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Upon further consideration and search, the finality of the office action dated February 15, 2005 has been withdrawn. The amendment filed on May 16, 2005 has been fully considered and an action on the merits of all the claims appears below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 14-16 state that "the seat axle extends through the laterally inner and laterally outer sides of the front leg and between the bight formed in the front side of the front leg and the rear side of the front leg." There is no previous recitation of a bight being formed on the front side AND the rear side of the front leg. The previous recitation only refers to a strengthening means formed along the front side of the front leg, said strengthening means comprising a bight. Therefore it is unclear how the seat axle extends between a bight on the front side of the front leg and a bight on the rear side of the front leg when there is no recitation of a bight on the rear side of the front leg.

Lines 18-20 state that "the second link pivot axle extends through the laterally inner and laterally outer sides of the rear leg and between the bight formed in the rear

Art Unit: 3636

side of the rear leg and the front side of the rear leg." There is no previous recitation of a bight being formed on the front side AND the rear side of the rear leg. The previous recitation only refers to a strengthening means formed along the rear side of the rear leg, said strengthening means comprising a bight. Therefore it is unclear how the second link pivot axle extends between a bight on the front side of the rear leg and a bight on the rear side of the rear leg when there is no recitation of a bight on the front side of the rear leg.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

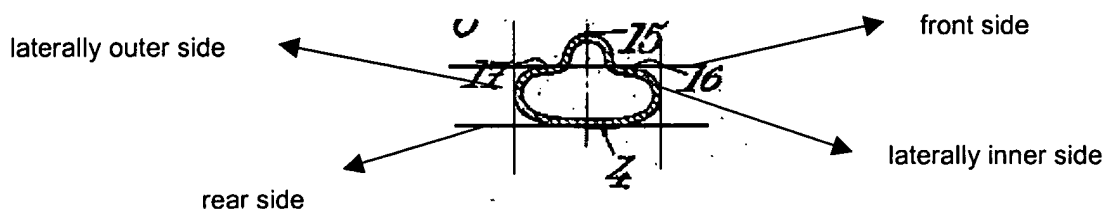
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Christin (3,705,604). With respect to claim 8, Christin discloses a tubular leg (4) including a front side, a rear side, a laterally outer side, and a laterally inner side, the front and the rear sides defining a depth of the leg, the laterally outer and laterally inner sides defining a width of the leg, the width being larger than the depth, one of the front side and the rear side being formed to include a bight (15) extending longitudinally along the leg (4) to strengthen the leg, wherein each of the laterally inner and laterally outer sides is semi-circular in cross-section, the rear side is straight in cross-section and extends from the laterally inner side to the laterally outer side, and the front side extends from the

Art Unit: 3636

laterally inner side to the laterally outer side and is formed to include the bight (15) and wherein the front side includes laterally inner and laterally outer portions (16)(17) that are co-planar in cross-section, the laterally inner portion (16) is straight in cross-section and extends from the laterally inner side to the bight (15), the laterally outer portion (17) is straight in cross-section and extends from the laterally outer side to the bight (15), and the bight protrudes forwardly from the laterally inner and laterally outer portions. Please refer to the below labeled figure.

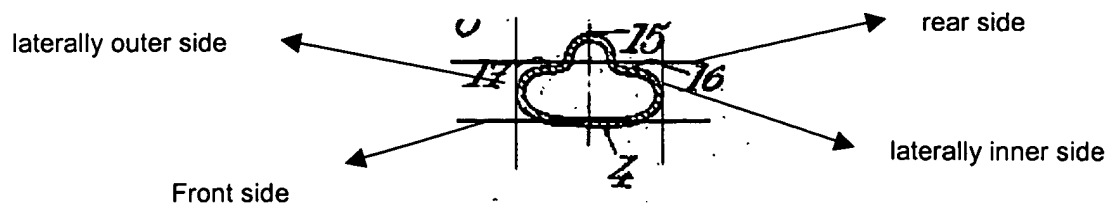


With respect to claim 9, Christin discloses a tubular leg (4) including a front side, a rear side, a laterally outer side, and a laterally inner side, the front and rear sides defining a depth of the leg (4), the laterally outer and laterally inner sides defining a width of the leg (4), the width being larger than the depth, one of the front side and rear side being formed to include a bight (15) extending longitudinally along the leg (4) to strengthen the leg, the front, rear, laterally outer and laterally inner sides cooperating to define and open interior region there between without any web portions lying therein and interconnecting two of more of said sides, and wherein each of the laterally inner and laterally outer sides is semi-circular in cross-section, the front side is straight in

Art Unit: 3636

cross section and extends from the laterally inner side to the laterally outer side and the rear side extends from the laterally inner side to the laterally outer side and includes the bight (15). See labeled Figure below which also pertains to claim 10.

With respect to claim 10, Christin discloses a tubular leg (4) including a front side, a rear side, a laterally outer side, and a laterally inner side, the front and the rear sides defining a depth of the leg, the laterally outer and laterally inner sides defining a width of the leg, the width being larger than the depth, one of the front side and the rear side being formed to include a bight (15) extending longitudinally along the leg (4) to strengthen the leg, wherein each of the laterally inner and laterally outer sides is semi-circular in cross-section, the front side is straight in cross-section and extends from the laterally inner side to the laterally outer side, and the rear side extends from the laterally inner side to the laterally outer side and is formed to include the bight (15) and wherein the rear side includes laterally inner and laterally outer portions (16)(17) that are coplanar in cross-section, the laterally inner portion (16) is straight in cross-section and extends from the laterally inner side to the bight (15), the laterally outer portion (17) is straight in cross-section and extends from the laterally outer side to the bight (15), and the bight protrudes rearwardly from the laterally inner and laterally outer portions. Please refer to the below labeled figure in which the rear and front sides are simply reversed



6. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Burnham (2,555,113). Burnham discloses a foldable frame (1)(1)(8)(8) including a front leg unit (1)(1) and a rear leg unit (8)(8), the front (1)(1) and rear (8)(8) leg units being arranged about pivot (11) to move relative to one another between a folded (un-illustrated) and unfolded (Figure 1) positions, the front leg unit (1)(1) comprising a pair of tubular legs (1) and the rear leg unit (8)(8) comprising a pair of tubular legs (8), each leg including a front side, a rear side, a laterally outer side extending between the front and rear sides and a laterally inner side extending between the front and rear sides, the front side of each leg of the (1) of the front leg unit (1)(1) being formed to include a bight (2), in the form of a convex forward protruding surface, extending longitudinally along the leg (1) for strength thereof, the rear side (3) of each front leg (1) being formed without a bight given that the rear side (3) is straight in cross-section, the rear side of each leg (8) of the rear leg unit (8)(8) being formed to include a bight (unlabeled), in the form of a convex rearwardly protruding surface, extending longitudinally along the leg (8) for strength thereof, the rear side (unlabeled) of each rear leg being formed without a bight.

Allowable Subject Matter

7. Claims 1-3 and 22-23 allowed.

8. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

9. The after final amendment filed on May 16, 2006 has been considered in its entirety. Remaining issues are detailed in the section above. Upon updating the search and reviewing all pertinent prior art of record, claims 8-10 and 21 are rejected above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Colby (4,105,244); Yu (6,209,829); Walton (2,861,625); McKeon et al. (6,349,521); Atkins et al. (6,234,571) ; Engel et al. (5,002,337) ; Diffrient (5,934,201) and McMurtrey (4,662,645).


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
May 26, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600